

Notice of Allowability	Application No.	Applicant(s)	
	09/945,282	MERROW ET AL.	
	Examiner Md S. Elahee	Art Unit 2645	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. This communication is responsive to 03/09/2005.
2. The allowed claim(s) is/are 21 and 25-33 (rearranged claims are 1-10).
3. The drawings filed on 31 August 2001 are accepted by the Examiner.
4. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All
 - b) Some*
 - c) None
 of the:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) hereto or 2) to Paper No./Mail Date _____.
 - (b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. Notice of References Cited (PTO-892)
2. Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. Notice of Informal Patent Application (PTO-152)
6. Interview Summary (PTO-413),
Paper No./Mail Date _____
7. Examiner's Amendment/Comment
8. Examiner's Statement of Reasons for Allowance
9. Other _____.

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Toby H. Kusmer on 06/24/05.

The application has been amended as follows:

In claim 21, line 6, after "answered", add -- as determined by an initial spoken response, or other audio or telecommunication signals --.

In claim 21, line 8, after "receiving a", add -- subsequent --.

In claim 21, line 8, after "person", add -- or other audio signal and determining if said subsequent spoken response is being provided by an answering machine, and if not --.

In claim 21, line 8, after "person", delete ";".

In claim 21, line 9, delete "D;".

In claim 21, line 9, after "the", add -- subsequent --.

In claim 21, line 10, after "of the", add -- subsequent --.

In claim 21, line 11, "E" was changed to -- D --.

In claim 21, line 12, after "of the", add -- subsequent --.

In claim 21, line 20, after "of the", add -- subsequent --.

In claim 21, line 23, after "of the", add -- subsequent --.

In claim 21, line 26, after "of the", add -- subsequent --.

In claim 21, line 28, after "receiving", add -- another--.

In claim 21, line 28, delete "a subsequent".

In claim 21, line 29, after "of", add -- said another--.

In claim 21, line 29, delete "the subsequent".

In claim 21, line 32, after "of the", add -- subsequent --.

In claim 21, line 35, after "of the", add -- subsequent --.

In claim 21, line 36, before "spoken", add -- subsequent --.

In claim 21, line 37, after "provide", "a" was changed to -- other --.

In claim 21, line 37, "a subsequent" was changed to -- the other--.

In claim 21, line 38, "subsequent" was changed to -- other--.

In claim 21, line 39, "subsequent" was changed to -- other--.

In claim 21, line 42, after "of the", add -- subsequent --.

In claim 21, line 43, before "spoken", add -- subsequent --.

In claim 21, line 47, after "of the", add -- subsequent --.

In claim 21, line 51, after "of the", add -- subsequent --.

In claim 29, line 10, after "person", add -- or other audio signal and determine whether the call has been answered by an answering machine, and if not proceed to step C--.

Claims 34-57 were deleted.

Reasons for Allowance

2. The following is an examiner's statement of reasons for allowance:

Claims 21 and 25-33 are allowed.

Regarding claims 21 and 29, the prior art reference Ljungqvist fails to teach that after the initial spoken response, determine whether subsequent response is from a live person or machine and repeat the determining step at step e and g of the claims. Claims 25-28 and 30-33 are allowed since they are dependent on claims 21 and 29 simultaneously.

Examiner's newly discovered reference Kassan also fails to teach that after the initial spoken response, determine whether subsequent response is from a live person or machine and repeat the determining step at step e and g of the claim. Claims 25-28 and 30-33 are allowed since they are dependent on claims 21 and 29 simultaneously.

Any comments considered necessary by applicant must be submitted no later than the payment the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Md S. Elahee whose telephone number is (571) 272-7536. The examiner can normally be reached on Mon to Fri from 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

M.E.

MD SHAFIUL ALAM ELAHEE

June 24, 2005



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